

Before the State of South Carolina
Department of Insurance

In the matter of:)	
)	File Number 2000-1020 59
Roy Lee Cashwell, Jr.)	
)	Default Order Revoking
925 Cleveland Street, #75)	Resident Insurance Agent's License
Greenville, South Carolina 29601.)	
_____)	

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 1999), by the State of South Carolina Department of Insurance upon Roy Lee Cashwell, Jr., by both certified mail, return receipt requested, and by regular mail on June 15, 2000.

That letter informed Cashwell of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned him that failure to make a timely, written request for a hearing would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Cashwell has failed to respond to the Department's letter. On July 10, 2000, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact that, while licensed to do business as a resident insurance agent within the State of South Carolina, Cashwell attempted to place coverage through an insurer with which he was not lawfully appointed, and that he then failed to provide the insurer with an application and other underwriting requirements, leaving the consumer without coverage for two months. The letter further alleged, and I now find as fact, that he failed to forward an application and premium to another insurer, leaving the consumer without coverage for seven months.

S.C. Code Ann. § 38-43-130 (Supp. 1999) provides the Director or his designee "may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State." This Code Section goes on within Subsection (3) to describe "deceived or dealt unjustly with the citizens of this State" specifically to include, "failing to transmit promptly or pay all or a portion of the amount of an insurance premium when the agent...has received payment from a customer or insured." Subsection (6) includes "failing to notify promptly the customer or insured if the agent has been unable to obtain the requested insurance for him. Moreover, Regulation 69-34.1(E)(m) makes the "failure to report within seven business days the full amount of any premium or partial premium collected from an applicant" an unfair business practice.

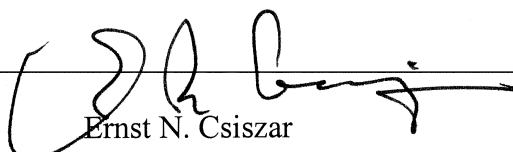
In accordance with my findings of fact, and considering Cashwell's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Cashwell violated S.C. Code Ann. § 38-43-130 (Supp. 1999) and that his resident insurance agent's license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the license of Roy Lee Cashwell, Jr. to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Roy Lee Cashwell, Jr. is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

July 10, 2000, at
Columbia, South Carolina

Before the State of South Carolina
Department of Insurance

In the matter of:)

Affidavit of Default

Roy Lee Cashwell, Jr.,)

925 Cleveland Street, #75)

File Number 2000-102049

Greenville, South Carolina 29601.)
_____)

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

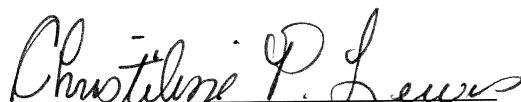
The Department served notice on Roy Lee Cashwell, Jr. at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance agent within the State of South Carolina in ten days. The Department served that notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 1999), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That letter further notified Cashwell of his opportunity, within ten days, to request in writing a public hearing.

Cashwell received the notice by certified mail, return receipt requested, on or about June 28, 2000. Cashwell has made no request for a public hearing or any other response to the notice. The time in which to do so has expired. He is now in default.



T. Douglas Concannon
Associate General Counsel

Sworn to and subscribed before me
this 10th day of July, 2000.



Christiline P. Lewis, Notary Public
My Commission Expires 11/20/06

South Carolina Department of Insurance
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Columbia, South Carolina 29202-3105
(803) 737-6132